

**UNITED STATES DISTRICT COURT**

NOV 28 2016

for the

District of New Mexico

**MATTHEW J. DYKMAN  
CLERK**

United States of America )

v. )

David Hickman, )

Date of birth: XX/XX/1988 )

SSN: XXX-XX-0005 )

Case No. MJ 16 4213

Defendant(s)

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 11/26/2016 in the county of Bernalillo in the  
District of New Mexico, the defendant(s) violated:*Code Section*

18 USC 844(i)

*Offense Description*

Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building or other real estate used in interstate commerce or any activity affecting interstate commerce.

This criminal complaint is based on these facts:

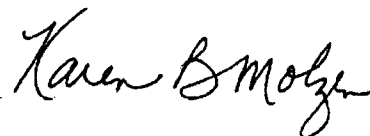
See Attached Affidavit

☐ Continued on the attached sheet.

Complainant's signature

FBI S.A. Ryan Kacher

Printed name and title

**Electronically submitted and telephonically sworn before me.**Date: 5:05 PM, Nov 27, 2016City and state: Albuquerque NM

Karen B. Molzen, U.S. Chief Magistrate Judge

Printed name and title

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**AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT**

I, Ryan Kacher, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an arrest warrant for David Hickman.
2. I am a Special Agent with the Federal Bureau of Investigation and have been since October 2014. My duties include investigating acts of violence and attempted utilization of explosives and destructive devices.
3. The FBI, in conjunction with the Albuquerque Police Department (APD), is currently investigating a violation of Title 18, United States Code, Section 844(i), which prohibits the malicious damage or destruction of, or an attempt to damage or destroy, by means of fire or explosive, any building or other real estate used in interstate commerce or in any activity affecting interstate commerce.
4. The information set forth in this affidavit was derived from my own investigation and/or communicated to me by other employees of the FBI, other law enforcement agencies, and from records and documents that I, and others, have reviewed. This affidavit is intended to show only that there is sufficient probable cause for the

requested warrant and does not set forth all of my knowledge about this matter.

#### **DETAILS OF THE INVESTIGATION**

5. During the early morning hours of November 26, 2016, Albuquerque Police Department (APD) officer Kevin Sanchez was on patrol near the area of San Mateo Boulevard SE and Interstate 40. Officer Sanchez walked out of a Giant gas station that was in the vicinity of San Mateo Boulevard and Interstate 40 when he heard what he described as “timed booms, like little explosions but not gunshots.” Officer Sanchez drove toward the sound until he arrived at the Pavilions at San Mateo (The Pavilions), located at 4500 Cutler Avenue NE, Albuquerque, NM. Officer Sanchez saw a vehicle in the parking lot at the Pavilions, which caught his attention because he had been at the Pavilions recently beforehand and did not see any vehicles. Officer Sanchez also observed broken glass falling from one of the storefront windows at The Pavilions and an individual, dressed in black, running from the location of the vehicle into the business where the windows were broken. At this time Officer Sanchez notified other APD officers who were on patrol at the time. The officers responded quickly and waited in their vehicles on the east side of The Pavilions near an Einstein Bagels store located at 5010 Cutler Ave NE, Albuquerque, NM.

6. Shortly thereafter, Officer Sanchez saw the same individual exit back out of the business and into the vehicle he had observed earlier. The vehicle traveled west through the parking lot and then north. One of Officer Sanchez’ teammates, Detective Meeks, observed that the Old Navy store, which was located in the vicinity, was on fire. Officer Sanchez returned to the scene later that morning and confirmed that the

business he had seen the individual run into and out of was the Old Navy store Detective Meeks had observed to be on fire.

7. Officer Sanchez and his teammates followed the vehicle as it continued toward a gas station at the southwest corner of Carlisle Boulevard and Menaul Boulevard NE. The APD Officers turned on their police lights and pulled over the vehicle. The Officers safely arrested the driver and conducted a search incident to arrest of the driver's person. The search revealed a loaded handgun in a holster attached to his belt, extra filled magazines for the pistol, one or more filled rifle magazines, cash, and an emergency flare tucked into his waistband.

8. APD subsequently notified the FBI of the incident and the individual was remanded to the custody of the FBI. He was identified as David A. HICKMAN. The vehicle driven by HICKMAN was identified as a 2013 silver Ford C-Max Hybrid, license plate number CT01238 with expired registration to HICKMAN.

9. Special Agents of the FBI responded to the scene and performed an examination of the interior of the vehicle by looking through the vehicle's windows. In plain sight on the front seat agents saw an AR-15 style rifle which appeared to be capable of firing 7.62mm rounds. Agents also saw in plain view a box labeled "Tannerite" which contained jars of a white substance. The back seats were partially folded down, allowing visual access to the trunk, where agents saw in plain sight multiple Mason jars.

10. A later search of the vehicle that HICKMAN was driving also revealed a list which contained the name Old Navy. Investigation to date has revealed that the jars seen in the back of the vehicle were either identical or very similar to the jars that were used to package explosive and/or flammable devices at the location of the fire at Old

Navy.

11. The FBI has confirmed that the Old Navy store which was damaged conducts its business in interstate commerce. That location regularly receives shipments of the merchandise it sells from El Paso, Texas. The Old Navy store in Albuquerque also routinely sends shipments out to other states. As a consequence of the damage sustained in the fire, the store has been closed since the fire occurred on Saturday morning. The projected sales for Saturday alone were approximately \$40,000.

### **SUBJECT MATTER KNOWLEDGE**

12. Based on information communicated to me by FBI experts in explosives, I know Tannerite is the brand name of a patented exploding material which contains a binary explosive, comprised of a combination of ammonium nitrate and/or ammonium perchlorate and a fuel, primarily aluminum powder. Tannerite is intended to detonate when shot by a high-velocity firearm bullet, producing a large explosion and cloud, and is sold commercially as a target designator useful for long range target practice. Tannerite and compounds similar to Tannerite used in various IED attacks, such as the recent September 2016 bombings in New York and New Jersey.

### **CONCLUSION**

13. I submit that this affidavit supports probable cause to believe David Hickman, did maliciously damage or destroy by means of fire or an explosive, a building and other real property used in activity affecting interstate or foreign commerce, in violation of 18 U.S.C. § 844(i); that is the Old Navy store located at the Pavilions near

San Mateo Blvd., in Albuquerque, New Mexico.

5/ Ryan Kacher  
Ryan Kacher  
Special Agent  
Federal Bureau of Investigation

Electronically submitted and  
sworn before me  
Laren Bmdye